
TITLE 327 WATER POLLUTION CONTROL DIVISION

NOTICE OF READOPTION
IC 13-14-9.5-1.1 NOTICE OF RULE REVIEW
LSA Document #13-175

This is a notice of rule review as described in [IC 13-14-9.5-1.1](#). Certain rules described in [IC 13-14-9.5-1.1](#) do not expire after seven years. These types of rules are: (1) rules required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; and (2) rules required to begin or continue receiving federal funding for implementation or operation of a program.

The Indiana Department of Environmental Management (IDEM) is required to publish a list of these rules that have been effective for seven years and request comment, in a 30 day comment period, on any specific rule that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM must also notice a public hearing before the Environmental Rules Board (board). IDEM will respond to all comments received during the comment period and provide the comments and responses to the board during the public hearing. The board, after considering the comments, responses, and testimony at the hearing, will direct IDEM on whether additional rulemaking actions must be started to address concerns raised to the board.

[IC 13-14-9-4\(a\)\(5\)](#) THROUGH [IC 13-14-9-4\(a\)\(7\)](#) IDENTIFICATION OF RESTRICTIONS AND REQUIREMENTS NOT IMPOSED UNDER FEDERAL LAW

[IC 13-14-9.5-1.1](#) requires this notice to contain the information described under [IC 13-14-9-4\(a\)\(5\)](#) through [IC 13-14-9-4\(a\)\(7\)](#) regarding restrictions and requirements of the listed rules that are not imposed under federal law. The listed rules at:

- (1) [327 IAC 2-1](#) and [327 IAC 2-1.5](#) concern water quality standards rules required under the Clean Water Act (CWA) in order for the state to have delegation for the National Pollutant Discharge Elimination System (NPDES) program;
- (2) [327 IAC 5-2](#) establish the basic NPDES rules required under the CWA; and
- (3) [327 IAC 8-2](#) establish drinking water standards for public water supply required under the Safe Drinking Water Act (SDWA) in order for the state to have delegation for conducting public water supply programs.

The CWA is the authority for water quality standards and NPDES rules. Because of the variability of waters across the nation, the federal regulations under the CWA do not specify exact standards for the states but do require the states to establish standards that are federally reviewed and approved in order for a state to have delegation to conduct the NPDES program for the state. Indiana is a delegated state and, as such, the water quality standards and NPDES rules have been federally approved. Similarly, the SDWA is the authority for drinking water standards. Indiana is a delegated state under the SDWA for programs related to public drinking water and must have rules approved by the federal government.

These rules are authorized under [IC 13-18-3-2\(a\)](#) and [IC 13-18-3-11](#).

LIST OF RULES

The following is a list of rules in 327 IAC that have been effective for seven years and are: (1) required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; or (2) required to begin or continue receiving federal funding for implementation or operation of a program:

327 IAC 2-1-3	Surface water use designations; multiple uses
327 IAC 2-1-3.1	CSO wet weather limited use designation
327 IAC 2-1-8	Methods of analysis
327 IAC 2-1-8.9	Site-specific modifications to criteria
327 IAC 2-1-10	Reclassification proposals for limited or exceptional use designation
327 IAC 2-1.5-5	Surface water use designations; multiple uses
327 IAC 5-2-1.5	Incorporation by reference
327 IAC 5-2-10	Applicable limitations, standards, and conditions
327 IAC 8-2-8	Collection of samples for total coliform bacteria testing
327 IAC 8-2-24	Use of noncentralized treatment devices

REQUEST FOR PUBLIC COMMENTS

At this time, IDEM solicits comments on specific rules listed above that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM requests that specific changes and language suggestions accompany the comments. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:

LSA Document #13-175 2013 Title 327 Rule Review
MaryAnn Stevens
Rule Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
MC 65-41
Indianapolis, IN 46204

(2) By facsimile to (317) 233-5970. Please confirm the timely receipt of your faxed comments by calling the Rule Development Branch at (317) 233-8903.

(3) By electronic mail to mstevens@idem.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when you send the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

COMMENT PERIOD DEADLINE

Comments must be postmarked, faxed, or time stamped not later than June 21, 2013. Hand-delivered comments must be delivered to the office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from MaryAnn Stevens, Rule Development Branch, Office of Legal Counsel, (317) 232-8635 or (800) 451-6027 (in Indiana).

Nancy King, Chief
Rule Development Branch
Office of Legal Counsel

[Notice of Public Hearing](#)

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